

\$~33

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 836/2017

MOHD. SAMEEM

..... Appellant

Through: Mr. Vikas Padora, Adv.

versus

STATE

..... Respondent

Through: Ms. Manjeet Arya, APP for State
along with SI Devender Singh, P.S.
NFC.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

%

30.08.2017

Crl. M.A. 14101/2017 (Delay)

There is delay of 410 days in filing the appeal. Appellant was convicted under Section 308/34 IPC by the trial court vide judgment dated 27th February, 2016 and was handed down the sentence for the period already undergone by him during the trial, that is, about 4 years. It is noted that appellant has also been convicted under Section 302 IPC, in another FIR bearing number 427/08, by the trial court vide judgment dated 20th November, 2014. He is facing life sentence in the said case.

To explain the inordinate delay appellant has contended that he is a poor man; he wanted to file appeal earlier through a private lawyer but could not arrange funds and that he lost the documents.

Present appeal has been filed from the jail. Learned APP submits that legal aid counsel visits the jail regularly and provide consultations to the convicts/under trials, inasmuch as, several appeals are filed from the jail. Appellant had ample opportunity to file the appeal earlier. He could not have filed the appeal from jail without waiting for more than one year.

In my view, the explanation offered by the appellant is not a plausible one. It appears that appellant had no intention to file the appeal as he was given sentence equivalent to the period undergone by him. I do not find it to be a fit case to condone the delay. Application is dismissed, consequently, appeal is also dismissed being barred by time.

A.K. PATHAK, J.

AUGUST 30, 2017

ga